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Report of the Economic and Social Council

Programme budget for the biennium 2012-2013

Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its resumed substantive session of 2012

Report of the Secretary-General

Summary

The present report details budgetary requirements resulting from a resolution adopted by the Economic and Social Council at its resumed substantive session of 2012. No additional requirements for 2012-2013 would arise as a result of the adoption of the resolution set out in the report.

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I. Introduction

1. The present report is submitted to inform the General Assembly of the requirements resulting from a resolution adopted by the Economic and Social Council at its resumed substantive session of 2012.

2. The Economic and Social Council adopted a resolution, detailed in section II below, in which it authorized a relevant functional commission to undertake additional activities for which no provision had been made in the programme budget for the biennium 2012-2013.[1] In accordance with rule 31 of its rules of procedure, the Council was provided with a statement of programme budget implications prior to the adoption of the resolution.

II. Additional requirements and modifications to the programme of work entailed by the resolution adopted by the Economic and Social Council

Resolution 2012/36: regional dimension of development in the Latin American and Caribbean region

3. Resolution 2012/36 will not require modifications of the programme of work under programme 18, Economic and social development in Latin America and the Caribbean. The additional activities to be carried out relate to programme 18, Economic and social development in Latin America and the Caribbean, of the strategic framework for the period 2012-2013. Furthermore, they fall under section 21, Economic and social development in Latin America and the Caribbean, of the programme budget for the biennium 2012-2013.

4. In resolution 2012/36, the Economic and Social Council endorsed Economic Commission for Latin American and the Caribbean resolution 674 (XXXIV), adopted by States members of the Commission at its thirty-fourth session, held in San Salvador from 27 to 31 August 2012.

5. In paragraph 1 of resolution 674 (XXXIV), the Commission requested its Executive Secretary to respond urgently and appropriately to the strategic challenges arising from the various activities being undertaken to define the development agenda beyond 2015, taking into account the needs and priorities of the Latin American and Caribbean region.

6. In paragraph 3 of the resolution, the Commission also requested its Executive Secretary to ensure the strategic coordination of the United Nations system at the regional level, in support of integration efforts, through the Regional Coordination Mechanism and in consultation with other regional and subregional organizations.

7. The Economic and Social Council was informed that the adoption of resolution 2012/36 would entail no additional resources under section 21, Economic and social development in Latin America and the Caribbean, of the programme budget for the

[1] The programme budget for the biennium 2012-2013 is contained in document A/66/6 (Introduction) and separate budget section documents (sect. 1-36 and Income sect. 1-3) and related corrigenda. The proposed programme budget for the biennium 2014-2015 will be contained in document A/68/6 (Introduction) and separate budget section documents (sects. 1-36 and Income sect. 1-3) and related corrigenda.

biennium 2012-2013, for the year 2013 for the upgrading of two posts and the abolition of one existing post effective 1 January 2013.

8. To ensure the provision of enhanced support and assistance to the Commission with a view to fulfilling the request made by member States in Economic Commission for Latin America and the Caribbean resolution 674 (XXXIV), it is proposed that two existing posts be reclassified, as follows:

(a) One D-1 post to the D-2 level to carry out duties as Director of the subregional office in Mexico, under subprogramme 12, Subregional activities in Mexico and Central America, which would result in a net increase of $13,400; and

(b) One P-4 post to the P-5 level to carry out duties as Political Affairs Officer in the Office of the Secretary of the Commission in Santiago, under executive direction and management, which would result in a net increase of $26,200.

9. The estimated net increase resulting from the above-proposed upward reclassifications for the year 2013 would be offset by the proposed abolition of one existing P-2 post in the Economic Development Division in Santiago, under subprogramme 3, Macroeconomic policies and growth ($105,800).

10. The functions of the P-2 post proposed for abolition would be absorbed by the remaining staff of the respective division. The proposed abolition would therefore have no negative impact on the programme delivery of the respective organizational unit.

11. The above proposals would result in savings of $66,200 for the year 2013, as detailed in table 1. Table 2 details changes to the overall staffing requirements.

Table 1
Summary of additional resource requirements (net)
Section 21, Economic and social development in Latin America and the Caribbean
(United States dollars)

Component	*Initial appropriation 2012-2013*	*Change*	*Revised estimate 2012-2013*
1. Policymaking organs	1 371.2	–	1 371.2
2. Executive direction and management	6 534.1	26.2	6 560.3
3. Programme of work			
Subprogramme 1. Linkages with the global economy, regional integration and cooperation	6 075.9	–	6 075.9
Subprogramme 2. Production and innovation	5 465.0	–	5 465.0
Subprogramme 3. Macroeconomic policies and growth	6 965.3	(105.8)	6 859.5
Subprogramme 4. Financing for development	1 804.7	–	1 804.7
Subprogramme 5. Social development and equality	4 182.2	–	4 182.2
Subprogramme 6. Mainstreaming the gender perspective in regional development	2 342.4	–	2 342.4
Subprogramme 7. Population and development	3 410.7	–	3 410.7

Component	Initial appropriation 2012-2013	Change	Revised estimate 2012-2013
Subprogramme 8. Sustainable development and human settlements	4 621.2	–	4 621.2
Subprogramme 9. Natural resources and infrastructure	4 204.5	–	4 204.5
Subprogramme 10. Planning of public administration	2 036.5	–	2 036.5
Subprogramme 11. Statistics	4 834.1	–	4 834.1
Subprogramme 12. Subregional activities in Mexico and Central America	8 255.4	13.4	8 268.8
Subprogramme 13. Subregional activities in the Caribbean	6 513.1	–	6 513.1
Subtotal 3	**60 711.0**	**(92.4)**	**60 618.6**
4. Programme support	41 639.7	–	41 639.7
Total	**110 256.0**	**(66.2)**	**110 189.8**

Table 2
Overall staffing requirements
Section 21, Economic and social development in Latin America and the Caribbean

	Professional and higher categories								Total Professional and higher categories	General Service and related categories		National staff		Total General Service and National staff	Total
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2		Principal level	Other level	National Officer	Local level		
2012	1	–	1	14	29	62	59	49	**215**	–	4	2	273	279	**494**
2013	1	–	2	13	30	61	59	48	**214**	–	4	2	273	279	**493**
Change	–	–	**1**	**(1)**	**1**	**(1)**	–	**(1)**	**(1)**	–	–	–	–	–	**(1)**

III. Conclusions and recommendations

12. Requirements resulting from the adoption of Economic and Social Council resolution 2012/36, adopted at the Council's resumed substantive session of 2012, would give rise to no net additional requirements under section 21, Economic and social development in Latin America and the Caribbean, of the programme budget for the biennium 2012-2013.

13. The General Assembly is, however, requested to approve the following modifications to the approved structure of section 21, Economic and social development in Latin America and the Caribbean, of the programme budget for the biennium 2012-2013:

(a) Reclassification of one D-1 post to the D-2 level to carry out duties as Director of the subregional office in Mexico, under subprogramme 12, Subregional activities in Mexico and Central America, which would result in a net increase of $13,400;

(b) Reclassification of one P-4 post to the P-5 level to carry out duties as Political Affairs Officer in the Office of the Secretary of the Commission in Santiago, under executive direction and management, which would result in a net increase of $26,200;

(c) Abolition of one P-2 post from the Economic Development Division in Santiago, under subprogramme 3, Macroeconomic policies and growth, which would result in savings of $105,800.

Appeal, Council of State and Court of Audit) and the ordinary courts, including appeals courts and tribunals.

Pending the adoption of laws on the establishment of all the higher courts, however, the judiciary consists of the Supreme Court (higher court) and the courts of first instance and their separate chambers (ordinary courts).

With regard to the protection of rights and freedoms, the appellate judge has competence under common law, including in administrative disputes, to ensure that judicial decisions and administrative acts are in conformity with the law; the Supreme Court intervenes as a last resort to correct any shortcomings in the system of protection.

Independent mechanisms

The national ombudsman

In accordance with articles 115 to 118 of the Constitution of 1 August 2000 and act No. 2007-540 of 1 August 2007 adopted in implementation of these constitutional provisions, the national ombudsman is an independent administrative authority who participates in the promotion of human rights and the consolidation of the rule of law. In this capacity, he receives and considers claims and complaints from the public concerning malfunctions of the State administration, territorial authorities, public institutions or any other body providing public service with a view to an amicable settlement.

The national ombudsman is empowered to conduct investigations in any public administration, including the army, the police and the penitentiary administration, relating to violations of the rights and freedoms of citizens. He is also competent to consider disputes between individuals and legal entities or disputes between village and urban communities or any other entities. Any individual or legal entity, whether resident or non-resident in the national territory, of any nationality or age, may apply to the ombudsman. No fee is charged at the time of application or during the procedure, which is an additional guarantee of the promotion and protection of civic rights.

The national human rights commission of Côte d'Ivoire

The national human rights commission of Côte d'Ivoire was established by decision No. 2005-08/PR of 15 July 2005 and started work in January 2007. The Commission consists of elected members and representatives of civil society and of the ministries concerned with human rights issues, as well as prominent individuals with recognized competence in this area; it has financial autonomy and full freedom of action and orientation. The Commission — whose members are known as "commissioners" — has powers of strategic monitoring, investigation, recommendation and even injunction vis-à-vis the Government on human rights issues. It is also responsible for ensuring the promotion and development of a culture of human rights within the population.

In order to carry out these tasks, the Commission has the power to initiate action; it may also be approached by any citizen who has been a victim or witness of human rights violations.

The national council of audiovisual communications and the national press council

The national council of audiovisual communications, which was established by act No. 2004-644 of 14 December 2004 concerning the legal regime for audiovisual communications, consists of professionals in that field, a lawyer and a representative of human rights protection bodies. The Council, which is not part of any hierarchy, is responsible for safeguarding and ensuring the freedom and protection of personnel in the audiovisual sphere while monitoring their respect for the ethics and standards relating to information and pluralism in the audiovisual arena. The Council has broad powers which enable it to instigate criminal proceedings or support the initiation of such proceedings in cases of violations or offences discovered during its own investigations in the areas within its competence. It also has standard-setting powers which enable it to establish norms and standards in relation to broadcasting and receiving equipment and technologies. The Council was established by order No. 2011-75 of 30 April 2011 as the supreme authority for audiovisual communications.

The national press council, which was established by act No. 2004-643 of 14 December 2004, is responsible for ensuring strict respect for freedom of the written press. Its functions and powers are identical to those of the national council of audiovisual communications.

Legal framework

At the international level

Since the time of its accession to independence in 1960 to the present day, Côte d'Ivoire has become party to almost all the main international human rights instruments, specifically:

- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified on 18 December 1995
- The International Covenant on Civil and Political Rights, ratified on 26 March 1992
- The International Covenant on Economic, Social and Cultural Rights, ratified on 26 March 1992
- The Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 5 March 1997
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 18 December 1995
- The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 18 December 1995
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, ratified on 20 January 2012
- The Amendment to article 43, paragraph 2 of the Convention on the Rights of the Child, ratified on 25 September 2001

- The International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 4 January 1973
- The Convention on the Rights of the Child, ratified on 4 February 1991
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 19 September 2011
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, ratified on 12 March 2012
- The Optional Protocol to the International Covenant on Civil and Political Rights, ratified on 5 March 1997
- The 1949 Geneva Conventions and Additional Protocols I and II
- The Convention relating to the status of refugees, ratified on 8 December 1961
- The Protocol relating to the status of refugees, ratified on 16 February 1970
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, ratified on 1 December 1994
- The principal conventions of the International Labour Organization, in particular Nos. 11, 19, 29, 87, 98, 100, 105, 111, 135, 138 and 182
- The principal conventions of the United Nations Educational, Scientific and Cultural Organization, in particular the Convention against Discrimination in Education

Côte d'Ivoire also ratified Convention No. 159 of the International Labour Organization concerning the vocational rehabilitation and employment of disabled persons, on 8 May 1999. It signed the Rome Statute of the International Criminal Court and recognized the competence of the Court (in accordance with article 12 of the Rome Statute). Lastly, Côte d'Ivoire endorsed the outcome documents of the twenty-third special session of the United Nations General Assembly (2000) and the Millennium Development Goals (2000).

At the regional level

Côte d'Ivoire is party to the following regional instruments:

- The African Charter on Human and Peoples' Rights, ratified on 6 January 1992
- The Constitutive Act of the African Union, ratified on 27 February 2001
- The African Charter on the Rights and Welfare of the Child, ratified on 1 March 2004
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, ratified on 7 January 2003
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- The Convention of the Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa

- The Convention of the African Union on the Prevention and Combating of Corruption

In addition, Côte d'Ivoire has undertaken human rights commitments within the framework of the Economic Community of West African States and the International Organization of la Francophonie. Lastly, it contributes to the African Peer Review Mechanism, created in the framework of the New Partnership for Africa's Development , which seeks to promote cooperation among African States and to ensure the promotion and protection of human rights by evaluating compliance with the obligations undertaken by each State.

At the national level

In order to ensure the protection and promotion of human rights, Côte d'Ivoire has established an extensive regulatory and institutional framework, whose keystone is the Constitution of 1 August 2000, 28 articles of which are devoted to human rights issues.

While the human rights provisions of the Constitution of 1960 were quite modest in scope, the Constitution of 1 August 2000 gives extensive coverage to the protection of fundamental rights. Thus, 22 of its 133 articles are devoted to essential rights and freedoms.

By strengthening the provisions of the previous Constitution of 1960, particularly with regard to civil and political rights, the 2000 Constitution broadened the scope and purview of these rights while reaffirming solidarity rights and economic and social rights.

Furthermore, the strict constitutional separation of powers and the clear definition of the attributes, functions and prerogatives of each branch of power act as a bulwark against the excesses and abuses inherent to the exercise of State power in any country, and ensure citizens' free and full enjoyment of their constitutional rights and freedoms.

Lastly, in the preamble to the Constitution, Côte d'Ivoire reaffirms its unwavering commitment to the ideals proclaimed in the 1948 Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

In addition, many laws and regulations have been adopted in order to strengthen the system for the protection and promotion of human rights.

The resolve of the Ivorian State to implement and monitor national and international legal instruments found expression, firstly, in the establishment of a human rights division within the Ministry of Justice.

Following the formation of Governments in August 2002 and March 2003, that portfolio was successively entrusted to a Vice Ministry, then to a Ministry in its own right.

The development of a national human rights policy that, alongside existing sectoral interventions, seeks to define a comprehensive and coherent strategy for the promotion and protection of human rights, is vital necessity for Côte d'Ivoire.

As a crucial instrument for the promotion and protection of human rights, the national human rights policy provides a framework and a basis for all Government

action in the field of human rights, with a view to strengthening the rule of law and promoting good governance.

Pledges and commitments

At the national level

The overall objective of the national human rights policy is to establish a human rights culture in Côte d'Ivoire so as to ensure respect for all aspects of human life. Specifically, this will be achieved by:

- Making Côte d'Ivoire a country that guarantees the comprehensive development of the individual by ensuring full enjoyment of civil, political, economic, social, cultural and environmental rights
- Promoting the emergence and consolidation of a culture of human rights that is capable of strengthening the rule of law and good governance and of restoring human dignity
- Contributing to the building and strengthening of national capacities for the promotion and protection of human rights
- Providing a framework for the formulation and implementation of bilateral and multilateral technical cooperation activities in the field of human rights
- Affording a framework for the coordination of activities to promote and protect human rights
- Promoting the establishment of an agency to monitor and protect human rights
- Safeguarding civil society organizations involved in the promotion and protection of human rights
- Involving the various strata of society in the dynamics of human rights
- Enhancing exchanges and creating a permanent consultative framework to forge a consensus in favour of human rights

The achievement of these objectives will be sought through the implementation of core strategies for the promotion and protection of human rights.

These strategies, which are necessary to lay the basic foundations for the sustainable protection and promotion of human rights in Côte d'Ivoire, cover a three-year period, from 2012 to 2015. They are based on an analysis of the human rights situation in Côte d'Ivoire and include objectives and action plans with regard to:

Promotion of human rights

This strategy is based on the premise that human rights cannot be respected if governments, society, in short national public opinion, are ignorant of them.

Thus, the Government, through the Ministry of human rights and public freedoms, is envisaging, under this heading, a series of information, awareness-raising and education activities for socio-professional groups that include:

- Promoting a culture of human rights by raising awareness of respect for the fundamental and universal values of life and human dignity
- Building the capacity of public and private, governmental and non-governmental institutions working in the field of human rights
- Strengthening human rights teaching modules in the education system
- Organizing human rights training seminars for personnel from the judiciary and the security forces
- Supporting human rights educational and awareness-raising activities, including the development and dissemination of outreach material in the main national languages
- Strengthening the operational capacities of the Ministry of human rights
- Supporting human rights training for local elected officials and parliamentarians responsible for drafting laws
- Building the capacity of the national human rights commission of Côte d'Ivoire and bringing it into line with the Paris Principles

Protection of human rights

It is essential to raise awareness of human rights to ensure that people are familiar with their rights and responsibilities. However, provision must be made for enforcement and protection mechanisms in order to deter potential perpetrators of acts that might undermine these rights. This approach is all the more important as Côte d'Ivoire is emerging from a severe crisis during which certain elements of the population may have become accustomed to carrying out acts that violate the rights and freedoms of others. It is also a means of combating impunity, an essential step towards the advent of the rule of law.

At the international level

Côte d'Ivoire intends to honour its commitment to submit periodic reports to the treaty bodies. To this end, it intends to send a formal request for technical assistance for capacity building of national personnel responsible for drafting reports to treaty bodies.

Consultations are currently underway with Parliament with regard to the following international instruments that have not yet been ratified:

- The Convention on the Reduction of Statelessness
- The International Convention for the Protection of All Persons from Enforced Disappearance
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The Convention on the Rights of Persons with Disabilities
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The following initiatives are also planned:

- Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- Alignment of the structure of the national human rights commission of Côte d'Ivoire with the Paris Principles

The same goes for the three statements of acceptance that Côte d'Ivoire has not yet formulated:

- Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination
- Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Article 21 of the same Convention allowing inter-State complaints

It is also important to take all appropriate steps to align national legislation with the provisions of these international treaties and agreements and to ensure the timely preparation of the reports required under certain conventions.

In the light of the aforementioned objective, the Ministry of human rights and public freedoms plans to concentrate its efforts in the following areas:

- Adopting laws and regulations that seek to give effect to international commitments
- Building technical capacity for the preparation of reports in order to catch up with its backlog in the submission to the treaty bodies of reports on the implementation of the international instruments
- Harmonizing national legislation with the provisions of international human rights instruments